

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHERRY BRAND,  
Plaintiff,

v.

COSTCO WHOLESALE  
CORPORATION,  
Defendant.

Case No. 13-cv-04503-TEH

**ORDER TO SHOW CAUSE**

Plaintiff filed this disability access case on September 30, 2013. Pursuant to the scheduling order issued that same day, the parties had until January 13, 2014, to complete a joint site inspection, and 28 days after that date to meet and confer in person to discuss settlement. Plaintiff was required to file a notice of need for mediation within 42 days of the joint site inspection, or February 24, 2014, if the parties were unable to resolve the matter. No such filing was received. However, on February 22, 2014, the parties filed a joint case management conference statement asserting their belief that settlement in this case was likely.

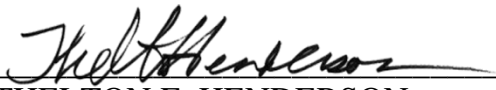
After not hearing anything further from the parties, the Court's courtroom deputy telephoned counsel in July 2014 to inquire about the status of this case. Counsel failed to file anything in response to that call, and the Court issued a Clerk's notice on September 18, 2014, directing the parties to file a joint status statement within seven days. The parties filed their joint statement on September 26, 2014 – one day late. In that statement, they assert that they “are in the process of identifying a date in early October” for a joint inspection “and plan to discuss settlement at that point.” Pursuant to the September 30, 2013 scheduling order, this joint inspection should have been completed no later than January 13, 2014 – nearly nine months ago.

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that counsel shall show cause on **October 27, 2014, at 10:00 AM**, as to why monetary sanctions should

1 not issue for their failure to follow the September 30, 2013 scheduling order, as well as  
2 their failure to file a timely joint statement in response to the September 18, 2014 clerk's  
3 notice. Plaintiff's counsel shall also show cause as to why this case should not be  
4 dismissed for failure to prosecute. Both counsel shall file written responses to this order to  
5 show cause on or before **October 14, 2014**. Telephonic appearances at the show cause  
6 hearing will not be permitted.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: 09/29/14

  
THELTON E. HENDERSON  
United States District Judge